

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION**

UNITED STATES OF AMERICA)
)
v.) CRIMINAL NO. 2:16CR20029-001
)
CLARENCE C. GARRETSON)

GOVERNMENT'S NOTICE OF EXPERT WITNESS

Comes now the United States of America, by and through Kenneth Elser, United States Attorney for the Western District of Arkansas, and files its Notice of Expert Witness Testimony pursuant to Fed. R. Crim. P. 16 and Fed. R. Evid. 702 and 703, as follows:

1. The Defendant is charged in a nine-count Indictment with transporting six minors in interstate commerce with intent to engage in criminal sexual activity with them, in violation of 18 U.S.C. § 2423(a). The Government will present evidence at trial the Defendant, an over-the-road truck driver and former foster parent for the Arkansas Department of Human Services, transported minors in his care, custody and control on interstate trucking trips in 2000, 2001, 2002 and July 2014 and engaged in sexual intercourse or oral sex with the minors during the interstate trips.

2. The trial is scheduled to commence September 19, 2016. (Doc. 22). The undersigned is aware through informal discussions with opposing counsel that the Defendant is considering filing a motion to continue the September 19th trial setting.

3. This Court's scheduling Order requires that "within seven days of the Defendant's request for discovery, the Government must disclose and provide a written summary of any testimony that the Government intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence during its case-in-chief at trial." (Doc. 22, § (II)(B)(9)). The Defendant requested

discovery at arraignment, thus triggering the seven-day deadline for disclosure of expert testimony by August 23, 2016. On August 23, 2016, however, the Government did not have confirmation of an expert witness. Mr. Chris Newlin recently apprised the undersigned of his availability to testify as an expert witness regarding the matters set forth in paragraph 5, below.

4. Mr. Newlin is a 1982 graduate of Fort Smith Southside High School, a 1986 graduate of Hendrix College (bachelor of science in psychology), and a 1991 graduate of the University of Central Arkansas (master's in school psychology). Mr. Newlin attended the Harvard University Business School Executive Education program in 2008. He is the current executive director of the National Children's Advocacy Center in Huntsville, Alabama. Mr. Newlin's curriculum vitae is attached as Exhibit 1. His National Children's Advocacy Center executive director biography is attached as Exhibit 2 and can be found at <http://www.nationalcac.org/leadership/executive.html>.

5. The Government asserts Mr. Newlin's knowledge, skill, experience, training and education - offered at trial in the form of an expert opinion - will assist the trier of fact to understand the evidence in this case and the testimony of Minor #1 through and including Minor #6, who are victims of sexual assaults perpetrated against them by the Defendant when they were minors in his care, custody and control. Mr. Newlin's expert testimony will also assist the trier of fact to understand the factors affecting disclosure of childhood sexual assault; the response and behaviors of childhood sexual assault victims; the characteristics and patterns of behavior in victims of childhood sexual assault whose offender is a biological, adoptive or foster parent; and the behaviors of offenders who groom minors placed in their care in order to sexually assault them.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to J. Marvin Honeycutt, attorney for the Defendant.

/s/ Kyra E. Jenner
Kyra E. Jenner
Assistant United States Attorney